

Alaska Association of the Deaf, Inc.

FCC MAIL ROOM

NOV 29 1996

RECEIVED

1345 Rudakof Circle, Suite 107
Anchorage, Alaska 99508
907-333-7545 (TTY)
[REDACTED] (V)
[REDACTED] (Fax)
[REDACTED]

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W. #222
Washington D.C. 20554

Before The Federal Communications Commission

In the Matter of

Implementation of Section 255 of the
Telecommunications Act of 1996

Access to Telecommunications Services
Telecommunications Equipment, and
Customer Premises Equipment
By Persons with Disabilities

Reply comments of Alaska Association of the Deaf, Inc.

DOCKET FILE COPY ORIGINAL

WT Docket No. 96-198

I. Introduction

The Alaska Association of the Deaf, Inc. submits these reply comments to the Federal Communications Commission =92s Notice of Inquiry (NOI) regarding access to telecommunications services, telecommunications equipment, and customer premises equipment (CPE) by persons with disabilities, WT Docket. 96-198 (released 9/16/96).

We also wish to express our support for the comments and reply comments submitted by the National Association of the Deaf and the Consumer Action Network in this proceeding. We applaud the FCC for its commitment to telecommunications access for all Americans and thank the FCC for the opportunity to submit these comments.

II. The FCC Should Adopt Rules to Implement Section 255.

The FCC has requested guidance on the means by which it should enforce Section 255=92s requirements for telecommunications accessibility. Specifically, the FCC asks whether it should promulgate rules, issue voluntary policy guidelines, or enforce Section 255 on a case by case basis.

Telecommunications products and services remain largely inaccessible to individuals with deaf or hard of hearing.

The failure of the telecommunications industry to provide access to the above products and services demonstrates the great need for the FCC to issue regulations on Section 255.

It is critical for the FCC to provide clear guidance, through mandatory rules, for all parties - consumers, equipment manufacturers, and service providers - on the nature and extent of the accessibility requirements. A number of parties commenting on the FCC=92s NOI feared that rules would necessarily be rigid, and stifle technological innovation. But rules do not need to be so detailed that they are inflexible. Rather, they should be flexible enough to allow for ongoing developments in technology, competition within the industry, and changing consumer demands.

No. of Copies rec'd 0+4
List ABCDE

Rules are needed to ensure that products are designed with access in mind. By incorporating concepts of universal design, compliance with Section 255 will be facilitated, and companies will not need to incur the burdens and expenses of retrofitting their products and services at some later date. Rules will also create consistency in application of and compliance with the law. In contrast, implementation of Section 255 through complaints only will result in inconsistent and conflicting adherence to the law. In addition, a system which depends upon complaints for the enforcement of Section 255 will place an unfair burden on consumers with disabilities, a burden which consumers can ill afford to bear.

III. The FCC Should Require Documentation of a Company's Disability Impact Analysis.

In order to achieve effective compliance with Section 255, telecommunications companies should be required to undertake some type of accessibility assessment, or disability impact analysis, for their products and services. In conducting such assessments, companies should be required to consider access issues at all phases of the design, development, and marketing of their products and services. To fulfill this function, companies should be required to obtain input from consumers with disabilities who are knowledgeable about disability needs and the technologies or solutions needed to meet those needs. If companies provide market research for and testing of their offering, they should be required to include consumers with disabilities in such research and testing, to ensure that functional limitations are considered in the earliest stages of design and development. Finally, companies should ensure that their products are not only accessible, but are usable as well. Customer support services and communications with the public (through brochures and advertisements) must be accessible through alternate formats such as captioned video, TTYs, Internet/e-mail, diskette, and large print. Here, for example, security alarm in home where deaf adults live in becomes almost meaningless! Because when the deaf adult(s) arrive home, sometimes they completely forget to turn the alarm off. Of course, security people come to the house. Meanwhile hearing people will be able to hear alarm's sound "beep, beep, beep" and they turn it off. The security companies should provide some kind of "strobe or warning light" to ensure the deaf adults can turn it off on time. And an extra cost for additional devices should not be burden on deaf people!!

Companies should be required to document their efforts to achieve access, and should be required to either file such documentation with the FCC or make it readily available to consumers upon request. Where a company determines that accessibility is not readily achievable, such documentation should contain evidence that the company has fully researched and explored accessibility solutions and should explain why such solutions are not readily achievable. The ability to review such documentation would enable consumers to have a better feel for whether a company made a good faith effort to achieve access. This would both result in a greater number of products and services being accessible and likely have the positive effect of reducing complaints once the product or service is placed on the market.

IV. Telecommunications Companies Should Evaluate the Accessibility of their Offering Periodically.

The rapid pace with which technology is changing means a particular access feature that is not be readily achievable at one point in time may become readily achievable at some point in the future. For this reason, it is critical for the FCC to require telecommunications companies to continually review the extent to which their products and services can be made accessible. Where access solutions do become readily achievable, companies should have an ongoing obligation to incorporate such solutions into their products and services, either at the time those offerings are redesigned, or at a reasonable time after the readily achievable determination is made.

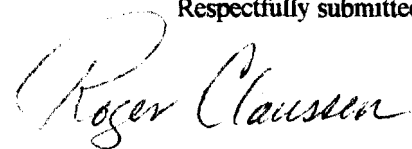
V. The FCC Should Not Exempt any Category of Telecommunications Companies from the Requirements of Section 255.

Section 255 is explicit in its requirement that telecommunications products and services must be accessible, unless the companies providing those products and services can show that access is not readily achievable. This standard does not permit the wholesale exemption of small businesses, foreign manufacturers, or any other category of businesses. Only where small or large manufacturers can demonstrate, through a disability impact analysis, that they have been unable to incorporate a readily achievable accessibility or compatibility solution despite best efforts to do so, can they be relieved of their responsibilities under the law, to the extent that the inability to comply exists. With respect to manufacturers in other nations, such manufacturers are already obligated to comply with existing technical, operational, and other accessibility mandates issued by the FCC. Section 255=92s mandates should be no different.

VI. Conclusion

Barriers to telecommunications products and services have long prevented the full integration of deaf and hard of hearing individuals into the mainstream of society. The price for these barriers has been high, in terms of lost opportunities in employment, education, recreation, and other spheres of life. Section 255 of the Telecommunications Act of 1996 offers a unique and unprecedented opportunity to reverse this trend by incorporating access features into products and services at their earliest stages of design and development. We urge the FCC to adopt rules that achieve this objective, and stand ready to assist in the realization of this long-awaited goal.

Respectfully submitted,

A handwritten signature in cursive script that reads "Roger Claussen". The signature is written in dark ink and is positioned above the printed name.

Roger Claussen, President

November 22, 1996